

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, <u>et</u>	:	
<u>al.</u> ,	:	NO. 1:02-CV-00107
	:	
Plaintiffs,	:	
	:	OPINION AND ORDER
v.	:	
	:	
BOARD OF COUNTY COMMISSIONERS	:	
OF HAMILTON COUNTY, OHIO, <u>et</u>	:	
<u>al.</u> ,	:	
	:	
Defendants.	:	

This matter is before the Court on the Parties' Status Reports on the Wet Weather Improvement Program (docs. 265, 278, 279) submitted subsequent to the July 16, 2008 hearing on the Ombudsman's Supplemental Status Report.

As early as five years ago, the Court signaled its dismay with delays in this matter, which had its inception with the concurrent filing by the Plaintiffs of their Complaint and the lodging of the Interim Partial Consent Decree on Sanitary Sewer Overflows on February 15, 2002 (doc. 1). Such filing came after years of negotiations between the parties. The Court was unsatisfied with the parties' approach, and later permitted the Sierra Club to intervene in the matter (doc. 69).

On June 9, 2004, the Court approved the Consent Decrees, which provided for the submission of an approvable "Long Term Control Plan" by June 30, 2006 (doc. 131). Although it is clear from the status reports that some of the projects have gone

forward, according to the Sierra Club, there still remains no overall Wet Weather Improvement Plan ("Plan") with solutions to meet the goals of the Clean Water Act and the Consent Decree (doc. 265). Plaintiffs agree that the time is ripe for completion of a final revised Plan, and submit a proposed timeline and Order (doc. 278).

Having reviewed this matter, the Court finds it necessary to set a status conference in this matter, at which time the Court will set firm dates for the completion of a Plan. The Court has lost patience with delays and is concerned about the danger to the public due to continued sewage contamination. Accordingly, the Court SETS a status conference in this matter for October 8, 2008 at 10:00 A.M.

SO ORDERED.

Dated: September 16, 2008

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge